

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOCKETED

UNITED STATES OF AMERICA)
)
)
 v.) CRIMINAL NO. 05-30042-MAP
)
)
 RICARDO DIAZ,)
 and)
 CESAR CRUZ,)
 Defendants.)

THE GOVERNMENT'S AND THE DEFENDANTS' STATUS
REPORT PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, Attorney Terry Nagel, counsel for Ricardo Diaz, and, Attorney Joseph Franco, counsel for Cesar Cruz, hereby submit the following status report pursuant to Local Rule 116.5(A) and Magistrate Judge Neiman's written orders.

1. Defendant Cruz requested additional discovery on December 1, 2005. The government is in the process of responding to this request.

2. The parties do not anticipate additional discovery as the result of future receipt of information.

3. The defendants do not intend to raise a defense of insanity or public authority.

4. Neither Defendant will raise an alibi defense.

5. The Defendants are unlikely to file a motion to dismiss, or suppress, or other motion requiring a ruling by the

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District Court before trial pursuant to Fed. R. Crim. Pro. 12(c).

6. The parties request this Court to set a date for a pretrial hearing. As of December 7, 2005, no time has run on the Speedy Trial Clock.

7. The parties are engaged in preliminary plea discussions. It is premature to notify the Court as to whether either of the Defendants will decide to change his plea.

8. In the event that a trial is necessary the trial will last approximately 3 days.

9. A date convenient with the Court should be established for pretrial hearing.

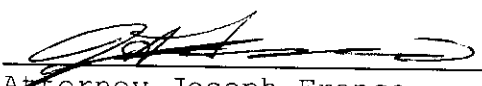
Filed this 5th day of December, 2005.

Respectfully submitted,

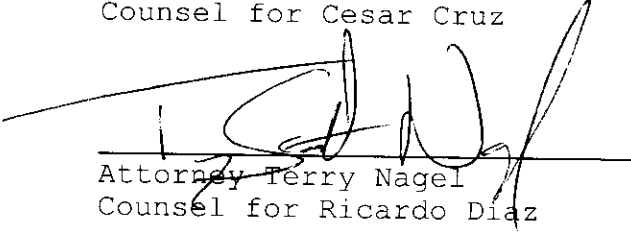
MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Paul Hart Smyth

Paul Hart Smyth
Assistant U.S. Attorney



Attorney Joseph Franco
Counsel for Cesar Cruz



Attorney Terry Nagel
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